

REMARKS

Reconsideration and withdrawal of the rejections set forth in the Office Action dated 15 May 2006 are respectfully requested. This Amendment is accompanied by a Petition for Three-Month Extension of time to extend the due date for a response until 15 November 2006.

Claims 25-54 were previously cancelled. Claims 55-80 have been added herein so that after entry of the amendment Claims 1-24 and 55-80 are pending in the application.

The Examiner has rejected claims 1, 4, 7-10, 12-14, 17, 19 and 23 under 35 U.S.C. 102(e) as being anticipated by Day et al., U.S. Pat. No. 5,996,025; Claim 2 under 35 U.S.C. 103(a) as being unpatentable over Day et al., U.S. Pat. No. 5,996,025; and claims 3, 5-6, 11, 18, 20 and 24 under 35 U.S.C. 103(a) as being unpatentable over Day as applied claims 1 and 17 above, in view of RealNetworks, "RealServer Administration Guide", <http://service.real.com/help/library/guides/q270/realssvr.htm>.

With respect to independent claims 1 and 17, the examiner suggests that Day teaches or suggests a server computer [e.g., control server 40] for use in a computer network [30] having at least one client computer [e.g., client application server 20], the server computer characterized in that the server computer: sends media assets [e.g., assets are digital multimedia content resources, col. 3, Ins. 59-60] over said computer network to said client computer [col. 3, Ins. 4-23], the server computer coupled to at least one file system [e.g., storage & distribution 64] organized into a plurality of asset groups [col. 3, In. 59 – col. 4, In. 34], each asset group comprising at least one media asset [e.g., organizing assets into asset groups, col. 3, In. 63], all media assets within an asset group sharing storage medium bandwidth and storage space on the server computer that is reserved for the asset group [i.e., bandwidth is also reserved for different assets, col. 6, Ins. 10-12 and col. 6, In. 56] for guaranteeing a specified number of simultaneous playouts for each media asset within the asset group [col. 5, In. 4 – col. 5, In. 33 and col. 6, Ins. 6-24].

The various dependent claims are rejected on the basis of Day and the RealServer Administration Guide.

Applicant respectfully disagrees with the examiner's characterization of Day et al ("Day"). Day is directed to a server system and serving method for storage and delivery of multimedia content

on demand to a client. In this context, Day suggests that "The present invention contemplates organizing assets into asset groups for facilitating resource allocation" but does not appear to further describe how these assets are organized into asset groups or how such Day asset groups facilitate resource allocation. Day also suggests the existence of a file system but no particular features of a file system beyond the conventional file system that might exist in a server computer are described.

Applicant further submits that Day taken as a whole fails to suggest or disclose structure or operation that is in any way analogous or similar to the structures, methods, or operation of the instant invention.

This application was filed in July 2001 and Applicant is interested in advancing the state of prosecution toward allowance as expeditiously as possible. Therefore, without admitting the propriety of the rejection, applicant has amended independent claims 1, 17, and 24 to recite features of the asset groups with greater particularity, but reserves the right to represent claims in their unamended form in a continuation or other related application.

Claim 1 has been amended as follows and now requires that:

all media assets within an asset group sharing a quota of system resources including storage medium bandwidth resources and storage medium space resources on the server computer that is reserved for the asset group on a per-asset-group basis rather than on a per-asset basis, and

the asset group and the at least one media asset in the asset group being placed within the at least one file system according to (i) an asset group placement policy for placing the asset group which determines the resource quota for the asset group, and (ii) a media asset placement policy for placing the media asset within the placed asset group, which in combination [[for]] guaranteeing a specified number of simultaneous playouts for each media asset within the asset group.

Applicant submits that the cited prior art fails to disclose, suggest, or motivate any need for *"all media assets within an asset group sharing a quota of system resources including storage medium bandwidth resources and storage medium space resources on the server computer that is reserved for the asset group on a per-asset-group basis rather than on a per-asset basis."* Applicant

submits that the cited prior art also fails to disclose, suggest or motivate any need for *"the asset group and the at least one media asset in the asset group being placed within the at least one file system according to (i) an asset group placement policy for placing the asset group which determines the resource quota for the asset group, and (ii) a media asset placement policy for placing the media asset within the placed asset group, which in combination guaranteeing a specified number of simultaneous payouts for each media asset within the asset group"*.

Dependent claims 55-67 are newly added claims dependent from Claim 1 that recite further limitations on Claim 1 and further distinguish from the cited art. Applicant submits that the newly added claims are supported by the application as originally filed and that no new matter has been added.

Without admitting the propriety of the rejections of the independent claims in light of the cited prior art, Applicant further submits that the amendment to claim 1 has mooted the basis of rejection of Claims 2-16 dependent from Claim 1 (as it is now amended), and that these claims are allowable over the cited prior art for at least the same reason as the underlying base claim and further because each adds additional limitations.

With reference to independent claim 17, Applicant has introduced similar amendments to Claim 17 as were introduced into Claim 1 and submits that the cited prior art fails to disclose, suggest, or motivate any need for the recited combination of elements. Rather than repeat the amended claim elements here, Applicant respectfully directs the attention of the examiner to Claim 17 in the amended claims section of the full claim. Applicant however submits that the cited prior art alone or in combination does not disclose, suggest, or motivate any need for the following features:

wherein the plurality of media assets share a quota of system resources including storage medium bandwidth resources and storage medium space resources on the server computer that is reserved for the asset group to which the plurality of media assets belong on a per-asset-group basis rather than on a per-asset basis, and the asset group and the plurality of media assets in the asset group being placed within the file system according to (i) an asset group placement policy for placing the asset group which determines the resource quota for the asset group, and (ii) a media asset placement policy for placing the media asset within the

placed asset group, which in combination guaranteeing a specified number of simultaneous payouts for each media asset within the asset group, wherein each media asset belongs to only one asset group.

Applicant further submits that previously submitted Claims 18-23 dependent from amended Claim 17, as well as and newly added dependent claims 68-80 are also allowable over the cited prior art at least for the same reason as the underlying base claim and further because each adds an additional distinguishing limitation.

With reference to independent claim 24, and without admitting the propriety of the rejection, Applicant has made analogous but not identical amendments to this claim as were made to Claims 1 and 17. Applicant respectfully directs the examiner's attention to the amended claims rather than again repeating the additional features here. Applicant submits that Claim 24 is allowable over the cited art for reasons analogous to those argued relative to independent claims 1 and 17 and does not repeat them here.

Applicant submits that each of the independent claims now recite features and limitations, including features and limitations of the asset groups and resources, that are not disclosed or suggested by the cited art. The added new claims 55-80 add additional features and limitations relative to the asset groups and sharing of resources that are not taught in the cited prior art. In light of these amended and added claims, applicant submits that the rejections under 35 U.S.C. 102 and/or 35 U.S.C. 103 cannot stand and Applicant requests withdrawal of same.

CONCLUSION

In view of the foregoing, the claims pending in the application comply with the requirements of 35 U.S.C. § 112 and patentably define over the prior art. As the present amendment is believed to place the application in condition for allowance, entry of the amendment, and provision of a Notice of Allowance is respectfully requested. If the Examiner believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned attorney at (650) 838-4367.

The Commissioner is hereby authorized to charge fees as indicated above, any additional required fees which may be due, including any fees for added claims or Petitions for Extension of time not otherwise paid for, and to charge any variance or credit any overpayments to Deposit Account No. 50-2207 (Attorney Docket 62357-8006.US01).

Respectfully submitted,
Perkins Coie LLP

Dated: November 15, 2006

By:



R. Michael Ananian
Reg. No. 35,050

Correspondence Address:

Customer No. 22918
Perkins Coie LLP
P.O. Box 2168
Menlo Park, California 94026
(650) 838-4367